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Follow-up and implementation of the Vienna Declaration and Programme of Action

Joint written statement* submitted by the Ewiiaapaayp Band of Kumeyaay Indians, National Congress of American Indians, Native American Rights Fund, non-governmental organizations in special consultative status, Indian Law Resource Centre, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Combating Violence Against Indigenous Women*

"Violence against women is a human rights violation that precludes the realization of all other human rights."[1] Violence against women and girls is widespread,[2] a form of discrimination,[3] and "one of the most pervasive violations of human rights" worldwide.[4] It is persistent, and no country is free of this scourge. This is so even though many universal and regional human rights treaties set out rights crucial to the protection of women from violence, including rights to life, liberty, and security of the person; to be free from torture and from cruel, inhumane, or degrading treatment or punishment; to be free from slavery and servitude; and to equal protection of the law.[5]

Violence against indigenous women is a pandemic that significantly violates or impairs "their enjoyment of all human rights and fundamental freedoms."[6] Dedicated attention to the rights of indigenous women and girls is urgently needed because their situation is so dire. "[I]ndigenous women and girls . . . often experience multiple forms of discrimination, which may increase their vulnerability to all forms of violence."[7] They are particularly vulnerable to human trafficking.[8] Indigenous women and girls also suffer disproportionate rates of violence and murder not only because of their gender, but also because they are members of indigenous peoples and communities.[9]

In the United States, Indian and Alaska Native women are 2.5 times more likely to be sexually assaulted or raped than other women in the United States; one in three will be raped in her lifetime, and six in ten will be physically assaulted. On some reservations, the murder rate for indigenous women is ten times the national average. The United States has taken some recent affirmative steps to improve its laws to protect indigenous women. However, significant legal and other barriers to indigenous women's safety and access to meaningful justice remain. For example, the crisis of violence in Alaska Native villages remains largely unaddressed, and Alaska Native women "have reported rates of domestic violence up to ten times higher than in the rest of the United States and physical assault victimization rates up to twelve times higher."[10] Indian and Alaska Native children also face an extremely dangerous situation, enduring rates

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[1] *Violence against women – Joint Press Release by UN and IACHR Rapporteurs*, Trinidad (28 April 2015), *at* http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15939&LangID=E.

[2] *Statement by Ms. Rashida Manjoo, Special Rapporteur on Violence against women, its causes and consequences*, 59th Session, Commission on the Status of Women (March 9, 2015), *available at* http://www.ohchr.org/Documents/Issues/Women/CSW/StatementCSW2015.pdf.

[3] United Nations Division for the Advancement of Women, *Background Paper for the Expert Group Meeting on Good Practices in Legislation on Violence Against Women*, U.N. Doc. EGM/GPLVAW/2008/BP.01 (May 2008), 3. Violence is a form of discrimination as it inhibits the ability of women to enjoy rights on a basis of equality with men. UN Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/1 (Feb. 12, 2013), 2.

[4] *Statement by the UN High Commissioner for Human Rights, Navi Pillay, on International Women's Day: Violence against women* (March 8, 2013).

[5] United Nations General Assembly, Report of the Secretary General, *In-depth Study on All Forms of Violence Against Women*, U.N. Doc.A/61/122/Add.1 (2006), at ¶ 243. *See also* the Convention on the Elimination of All Forms of Discrimination against Women, Declaration on the Elimination of Violence against Women, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

[6] *Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment*, 2, U.N. Doc. A/HRC/26/L.26/Rev.1 (June 25, 2014).

[7] *Id.* at 3.

[8] United Nations Economic and Social Council, Permanent Forum on Indigenous Issues, *Study on the extent of violence against indigenous women and girls in terms of article 22(2) of the United Nations Declaration on the Rights of Indigenous Peoples*, E/C.19/2013/9 (Feb. 12, 2013).

[9] *Id.*

[10] *A Roadmap for Making Native America Safer, A Report to the President and Congress of the United States*, Chapter 2, Reforming Justice for Alaska Natives, p. 41 (November 2013).

of exposure to violence higher than any other group of children.[11] These "children experience post-traumatic stress disorder at the same rate as veterans returning from Iraq and Afghanistan and triple the rate of the general population."[12] Simply put, United States law often fails to protect indigenous women and children from violence because of systemic and discriminatory barriers.

Council Resolution 6/30 reaffirms "the need to implement fully human rights law. . . in order to protect the human rights of women and girls," and recognizes the need to integrate the human rights of women in all aspects of the work of the United Nations, including the treaty bodies, this Council and its various mechanisms, and into all UN activities, including conferences such as the 2014 World Conference on Indigenous Peoples and their outcome documents.[13] Recently, Council Resolutions 23/25 and 26/15 recognized the urgent need to *accelerate* efforts to eliminate all forms of violence against women.

The UN Declaration on the Rights of Indigenous Peoples is a significant affirmation of the rights and special needs of indigenous women and children. Similar to Resolution 6/30's call to integrate a gender perspective into all UN policies and programs, Article 22(1) urges states to pay particular attention to the rights and special needs of indigenous women, youth, and children in implementing all provisions of the UN Declaration. Article 22(2) directs states, in conjunction with indigenous peoples, to take measures to protect indigenous women and children against violence and discrimination.

The Outcome Document of the World Conference on Indigenous Peoples furthers implementation of the UN Declaration through states' commitments to support the empowerment of indigenous women and to intensify their efforts to prevent and eliminate violence and discrimination against women by strengthening legal, policy, and institutional frameworks.[14] States requested further actions by UN bodies, including development of an implementing body for the UN Declaration and a System-wide Action Plan by the Secretary-General to realize the ends of the UN Declaration.[15] It is important that these actions be carried out with particular attention to the rights of indigenous women and children to ensure their full protection from all forms of violence and discrimination. Recently, the Special Rapporteur on violence against women recommended the development and adoption of a binding international instrument on violence against women and girls, "thereby providing for international scrutiny and accountability through a dedicated monitoring body."[16] The implementing body for the UN Declaration, with its special attention to the rights of indigenous women and children, could serve as an important complementary body with the necessary expertise to address violence against indigenous women and girls.

States also requested in the Outcome Document that the Human Rights Council consider examining the causes and consequences of violence against indigenous women and girls. To this end, we recommend that the Council:

1. *Decide* to organize and hold at its 32nd or 33rd session, a half-day panel discussion on violence against indigenous women and girls, in cooperation with indigenous peoples, to examine the causes and consequences of such violence and to intensify sustained efforts within the UN and among states to prevent and eliminate all forms of violence and discrimination against indigenous peoples, particularly indigenous women and children;

2. *Invite* the Secretary-General to issue a report with concrete recommendations for action on the issue of violence against indigenous women and girls, with a view toward enhancing the Council's special procedures mandates by requiring regular joint reports; and

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[11] *Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive*. Executive Summary at 2 (November 2014).
[12] *Id.*
[13] G.A. Res. 69/2, U.N. Doc.A/RES/69/2 (Sept. 25, 2014).
[14] *Id.*at ¶¶ 17, 18.
[15] *Id.* at ¶¶ 28, 31, 40.
[16] *Violence against women, its causes and consequences. Note by the Secretary-General.* ¶¶ 66, 67, U.N. Doc. A/70/209 (July 29, 2015).

3. *Urge* the Secretary-General to consider the rights and special needs of indigenous women and children in developing both the System-Wide Action Plan and the mandate and structure of the implementing and monitoring body for achieving the ends of the UN Declaration.

Violence against indigenous women and girls is a violation of human rights, a global outrage, and a barrier to achieving gender parity. We urge the Council to support these recommendations, prioritize them in its program of work, and to help identify measures and accelerate actions targeted at eliminating all forms of violence and discrimination against indigenous women and children everywhere.

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*Alaska Native Women's Resource Center; Alliance of Tribal Coalitions to End Violence; Emmonak Women's Shelter; Mashantucket Pequot Tribal Nation; National Indigenous Women's Resource Center; Native Alliance Against Violence; Native Village of Anvik; Washington State Native American Coalition Against Domestic Violence and Sexual Assault; and the Yup'ik Women's Coalition. NGOs without consultative status, also share the views expressed in this statement.